

Please amend claim 9 in the following manner:

AH

9. (once amended) The method of claim 1 wherein said step of determining an access priority value further includes a step of deriving said access priority value in accordance with a change in channel priority threshold.

Remarks:

1. The above amendments and following remarks are presented in response to the Office Action dated 07/01/96. Claims 1-4, 7 and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 13, 25, 2, 14, 26, 3, 15, 27, 4, 16, 29, 5, 17, 30, 6, 18 and 31 of copending application Serial No. 08/495,385. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an enabling disclosure. Claims 1-12 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification. Claims 6 and 9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 7 and 8 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Kuddes et al. (United States Patent 5,353,287). As this response clarifies any ambiguity in the application, no new matter is added. In view of the above amendments and the following remarks, reconsideration of all outstanding rejections of the claims is hereby requested.

2. With respect to the Examiner's first rejection, claims 1-4, 7 and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 13, 25, 2, 14, 26, 3, 15, 27, 4, 16, 29, 5, 17, 30, 6, 18 and 31 of copending application Serial No. 08/495,385. The applicants have amended the claims to overcome the obviousness-type double patenting rejection.